

REMARKS

Reconsideration and allowance are respectfully requested.

Claims 1-16 are canceled. Claims 17-28 are amended, and new claims 29-32 are added.

Claims 17-28 stand rejected under 35 U.S.C. §102 as allegedly being anticipated based on Isnard (US2003/0219005). This rejection is respectfully traversed.

To establish that a claim is anticipated, the Examiner must point out where each and every limitation in the claim is found in a single prior art reference. *Scripps Clinic & Research Found. v. Genentec, Inc.*, 927 F.2d 1565 (Fed. Cir. 1991). Every limitation contained in the claims must be present in the reference, and if even one limitation is missing from the reference, then it does not anticipate the claim. *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565 (Fed. Cir. 1986). Isnard fails to satisfy this rigorous standard.

Isnard periodically sends downlink synchronization (DL SYNC) frames to Node Bs, to which the Node Bs respond with an uplink synchronization (UL SYNC) frame containing a parameter representing the time of arrival of the downlink synchronization frame. This time of arrival parameter is used to dynamically regulate the time-advance of subsequent frames. But Isnard only adjusts the timing offset when a frame is received outside of the window. See [0058] and Figures 5 and 7.

In independent claims 29, 31, 39, and 42¹, in contrast to Isnard, the value of the timing offset is reduced until a report is received that a frame is received late, which permits optimization of the offset delay. The independent claims 29, 31, and 42 recite both reducing the initial timing offset with a relatively small value, and then after the report is received of a late

¹ In a telephone call with the Examiner, the Examiner requested that the RCE claims be presented as new claims starting from claim 29.

time of arrival, increasing the timing offset using a relatively large adjustment value in response to the receipt of one or more late time of arrival error reports at the sending node. These two differently sized and different directioned (i.e., decrease and increase) timing window adjustments are simply not taught by Isnard.

Isnard also lacks the features of independent claim 39 where the timing offset is reduced in a stepwise manner, and the reduced timing offset is increased in response to the receipt of one or more late time of arrival error reports. Dependent claim 40 recites "the increase to the reduced timing offset is larger than a step reduction of the timing offset."

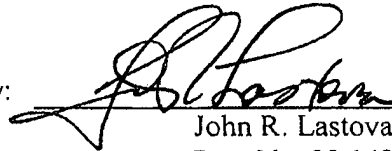
Dependent claim 30 further recites "wherein the relatively large adjustment value exceeds a combination of multiple ones of the relatively small step values." Dependent claims 38, 41, and 43 recite "wherein the relatively large timing offset adjustment value exceeds a combination of multiple ones of the relatively small timing offset values." Isnard also lacks these additional features.

The application is in condition for allowance. An early notice to that effect is requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:


John R. Lastova
Reg. No. 33,149

JRL:maa
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100